



**BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION**  
**Advisory Opinion**  
**No. 09-07-008**

Section 19A-14(a) of the ethics law prohibits an employee from intentionally using the prestige of office for private gain or the gain of another. A councilmember asks if he can recognize a “non-profit of the month” on his County website. The Commission concludes that this is permissible, given that the ethics law already permits an elected official to solicit a gift to a charitable organization while identifiable as an elected official.

The councilmember writes that the County “is home to some of the finest non-profit organizations in our region.” The councilmember concludes: “For these reasons, I would like to recognize one non-profit organization each month on my [County] website. This ‘Non-Profit of the Month’ section would highlight the outstanding work of an organization that has gone above-and-beyond to serve our citizens and improve the quality of life in Montgomery County.”

The Commission concludes that this is permissible. While § 19A-14(a) prohibits the intentional misuse of prestige of office, it expressly excepts the performance of “usual and customary constituent services, without additional compensation.” In *Advisory Opinion No. 1996-17* (Nov. 13, 1996), the Commission addressed the ability of elected officials to provide constituent services within the bounds of § 19A-14(a). Of particular importance to this request, the Commission noted that it was not inclined to find a violation of § 19A-14(a) when the requirements of § 19A-16(b)(5) have been fully satisfied. Section 19A-16(b)(5), one of the exceptions to the general prohibition against employees soliciting gifts while on County time, provides that an elected official, while identifiable as an elected official, may solicit a gift from any person to a charitable organization, as defined in the state law regulating public charities.<sup>1</sup>

If the ethics law permits an elected official to solicit donations for a charitable organization while identifiable as an elected official, it is difficult to see how the same law would preclude a councilmember from recognizing a local “non-profit of the month” on his or her County website.

A different result might obtain if the councilmember had an economic interest in the non-profit or served on the board of the non-profit. Such circumstances would suggest a self interest inconsistent with the notion of constituent service. However, that has not been presented here.

In reaching this decision the Commission has relied upon the facts as presented by the requestor.

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<sup>1</sup> The elected official must list each organization to which the elected official solicited a contribution in his or her annual financial disclosure statement.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "Antar C. Johnson".

Antar Johnson, Chair

September 21, 2009